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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,736	03/08/2001	Seiichi Matsui	0879-0303P	4772

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/26/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/800,736

Applicant(s)

MATSUI ET AL.

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

This is a first office action in response to application no. 09/800,736 filed on 3/8/2001 in which claims 1-7 are presented for examination.

#### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lathrop (U.S. Pat. No. 6,288,743) in view of Takemura (Foreign Pub. No. JP 11088672 A).**

*Please note that the Examiner is using Takemura (U.S. Pat. No. 6,657,658) as a translation of Takemura (Foreign Pub. No. JP 11088672 A).*

Regarding claim 1, Lathrop teaches an electronic camera, comprising: an imaging device which converts an optical image into an analog image signal (Fig. 1, element 16; col. 3, lines 5-32); an A/D converter which converts the analog image signal outputted from the imaging device into a digital image signal (Fig. 1, element 18; col. 3, lines 33-50); an unprocessed data storing

device which stores the digital image signal outputted from the A/D converter as unprocessed image data (Fig. 1, element 32; col. 3, line 33- col. 4, line 18); and a signal processing device which processes the unprocessed image data read out from the unprocessed data storing device into a processed image (col. 4, lines 1-18). Furthermore, Lathrop teaches image processing algorithms perform interpolation, color correction, tone correction, and edge enhancement (col. 4, lines 1-18); and that a processed image is conveyed to a host computer comprising a monitor (Fig. 1, elements 12 and 40; col. 4, lines 52-58).

Takemura does not specifically teach processing image data in accordance with an image property parameter; and an image property setting device through which an instruction is inputted to change data of the image property parameter.

However, Takemura teaches a digital camera signal processing device which processes unprocessed image data into a processed image data in accordance with an image property parameter (col. 8, lines 23-46); an image property setting device through which an instruction is inputted to change data of the image property parameter (Figs. 2, 3, and 4; col. 7, lines 28-60); and a display which displays an image represented by the processed image data processed by the signal processing device in accordance with the data of the image property parameter set with the image property setting device (Fig. 6, element 102; Fig. 2, element 11; col. 8, lines 23-46). One of ordinary skill in the art would have enabled a user to manually set an image property parameter, as in the color balance correction of Takemura (Figs. 3 and 4), instead of the automatic color correction of Lathrop (Lathrop: col. 4, lines 1-18) in order to ensure that the selected property parameter actually results in a desired finish (Takemura: col. 1, lines 60-67). As a result, it would have been obvious to one of ordinary skill in the art at the time of the

invention to enable a user to manually set an image property parameter in order to ensure that the selected property parameter actually results in a desired finish.

Regarding claim 2, Lathrop teaches a recording device that records, in a record medium, the processed image data processed by the signal processing device (Fig. 1, element 32; col. 4, lines 1-18).

Regarding claim 3, Lathrop teaches the record medium is an external record medium detachably connected to the electronic camera (Fig. 1, element 32; col. 4, lines 37-51).

Regarding claim 4, Lathrop teaches a recording device that records, in a record medium, the unprocessed image data (col. 4, lines 1-18). Lathrop does not teach recording the unprocessed image data with the data of the image property parameter.

However, Takemura teaches recording to a memory card the unprocessed original image data and attaching finish information comprising image processing values (col. 8, lines 30-56). One of ordinary skill in the art would have recorded the original image data with image property parameters in order to enable the reproduction of prints according to the finish information (col. 9, lines 1-12). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to record the original image data with image property parameters in order to enable the reproduction of prints according to the finish information.

Regarding claim 5, please see the 103 rejection of claim 3.

Regarding claim 6, Lathrop teaches the unprocessed data storing device comprises an external record medium detachably connected to the electronic camera (Fig. 1, element 32; col. 4, lines 37-51).

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**Claim 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lathrop (U.S. Pat. No. 6,288,743), in view of Takemura (Foreign Pub. No. JP 11088672 A), and further in view of Heard (U.S. Pat. No. 4,671,655).**

Regarding claim 7, Takemura teaches displaying a menu to enable a user to adjust the level of the color balance of an image (Fig. 4; col. 7, lines 28-55). Takemura does not specifically teach displaying at least one of histogram, average level, peak level, and bottom level, of an analog image signal.

However, Heard teaches displaying a histogram showing a distribution of brightness values of an analog image signal (Fig. 1, element 17; col. 2, lines 18-21 and 58-70). One of ordinary skill in the art would have provided the histogram of Heard for the purpose of giving a photographer an indication of the distribution of luminance and the overall luminance (col. 1, lines 55-61). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provided the histogram of Heard for the purpose of giving a photographer an indication of the distribution of luminance and the overall luminance


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (703) 305-4724. The examiner can normally be reached on M-F 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
8/13/2004



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600